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EDWARD BENNETT WILLIAMS (1920-1988)
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April 5, 2018

Via ECF

Honorable Deborah A. Batts
United States District Judge
Daniel Patrick Moynihan
United States Courthouse
500 Pearl St., Room 2510
New York, NY 10007-1312

Re: Bernstein, et al. v. O'Reilly, et al., Civ. Action No. 1:17-cv-9483 (DAB)

Dear Judge Batts:

I write as counsel to Defendant Fox News Network, LLC ("Fox News") and Putative Defendant Twenty-First Century Fox, Inc. ("21CF") to inform you that Fox News, 21CF, and Defendant Bill O'Reilly consent to Plaintiffs' Motion to File a Second Amended Complaint,¹ ECF No. 52, corrected in ECF No. 53, thereby mooted the Defendants' pending Motions to Compel Mediation/Arbitration or Dismiss the First Amended Complaint, ECF Nos. 40 & 43. Although we do not believe that the Second Amended Complaint addresses any of the fatal deficiencies in the First Amended Complaint, nor provides a basis to pursue these claims outside of arbitration, we have consented to the filing in order to avoid unnecessary burden on the Court and the Parties.

We respectfully request that the Court enter the following briefing schedule:

- Motions to Compel Mediation/Arbitration and/or Dismiss shall be filed no later than April 27;
- Any Oppositions thereto shall be filed no later than May 11;
- Any Replies in support thereof shall be filed no later than May 18.

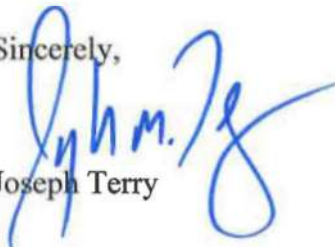
¹ Plaintiffs filed that motion without a pre-trial conference and without seeking consent from the Defendants.

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Plaintiffs declined our proposal that we consent to the filing of the Second Amended Complaint with the corresponding motion to compel arbitration/dismiss deadline set forth herein.²

Sincerely,



Joseph Terry

cc: All counsel of record (via ECF)

² They indicated that they would only do so on the condition that we produce a particular document.